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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,078	09/11/2003	Shin W. Rhee	THINL.64422	5897
27629	7590	12/15/2004	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802			CHOI, JACOB Y	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,078

Applicant(s)

RHEE, SHIN W.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-15 & 17 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☒ Claim(s) 8, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: phrase "said terminal edges toward one another to clear the said flanges" should be corrected to avoid redundancy. Appropriate correction is required.
2. Claims 16 & 18 & 19 are objected to because of the following informalities: to avoid unclear term being used in the claims, all of the terms "its" through out the claims should be changed to what exactly "its" is / are referring to. Appropriate correction is required. Appropriate correction is required.
3. Claim 18 is objected to because of the following informalities: phrase "configured with lands to engage the said O-ring" should be corrected to avoid redundancy. Appropriate correction is required.

### ***Specification***

4. The disclosure is objected to because of the following informalities: "longitudinal run 49 and 31" on page 3 line 14 should be changed to –longitudinal run 29 and 31--; and "an O- ring 31" on page 3 line 14 should be changed to –O-ring 51--.
- Appropriate correction is required.

***Information Disclosure Statement***

5. The information disclosure statement filed 09/11/2003 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claim 19 recites the limitation "said rails" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daumueller (5,735,596).

Regarding claim 19, Daumueller discloses an elongated channel shaped pan (10) formed with a back wall (22) and outwardly projecting walls formed at their free extremities / outermost with mounting flange means (III, Figures 3 & 4) formed with an

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endless (wall to wall), outwardly opening pan gasket gland (26), an gasket in the gland (34), a flexible lens (20) *formed* from plastic and configured along its opposite sides with inwardly facing land surfaces for sealingly engaging the O-ring (III, Figures 3 & 4), and the lens (20) being further configured along its opposite edges with boss means (146 & 132; Figures 3-5) formed with laterally outwardly opening grooves (U shaped) for engaging the flange to maintain the land surfaces in the sealing engagement with the O-ring.

Daumueller discloses the claimed invention except for the lens being formed from resilient plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make lens out of well known / commonly used material such as resilient plastic, since it has been held to be within the general skill of a worker in the art at to select a known material on the basis of its suitability for the intended use as a matter of design variation. *In re Leshin*, 125 USPQ 416.

### ***Allowable Subject Matter***

10. The following is a statement of reasons for the indication of allowable subject matter: a moisture resistant fluorescent lighting fixture comprises a longitudinal and transverse o-ring gland formed under the housing mounting flange and an o-ring received in the o-ring gland in combination with a lens having an upwardly facing boarder defining lands configured to sealingly engage the respective longitudinal runs of the O-ring.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

H.J. Poehling [US 2,327,552], J. Dunker et al. [US 2,791,681], J. Dunker [US 2,873,358], Florence et al. [US 4,323,954], and Mui [US 5,902,035] disclose a moisture seal or vapor-tight lighting fixture with a surrounding gasket, but none of them teach or suggest the longitudinal and transverse o-ring gland to receive the gasket.

Urbanek [US 4,118,767] and Daumueller [US 5,735,596] disclose a vehicle lamp using an o-ring received in a groove, but there is no motivation or suggestion to use the groove of Urbanek or Daumueller into the moisture seal or vapor-tight lighting fixture above.

Claims 1-7, 9-15 & 17 are allowed.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

A handwritten signature in black ink, appearing to read 'Th M Sember', with a long horizontal stroke extending to the right.

**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**